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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 PATRICIA A. GRANT,
9 Plaintiff,

10 v.

11 CLAUDIO GABRIEL ALPEROVICH, et
12 al.,
13 Defendants.

Case No. C12-1045RSL

ORDER GRANTING IN PART
DEFENDANT ST. FRANCIS
HOSPITAL'S AND CLAUDIO
ALPEROVICH'S MOTIONS
FOR SUMMARY JUDGMENT

14 **I. INTRODUCTION**

15 This matter comes before the Court on "Defendant St. Francis Hospital -
16 Franciscan Health System's Motion for Summary Judgment of Dismissal" (Dkt. # 53)
17 and "Motion for Summary Judgment of Defendant Claudio Gabriel Alperovich, M.D."
18 (Dkt. # 55). Because Plaintiff seeks to hold St. Francis Hospital-Franciscan Health
19 System ("St. Francis") vicariously liable for Dr. Claudio Alperovich's alleged
20 misconduct, the Court considers both parties' motions in this Order.

21 Summary judgment is appropriate when, viewing the facts in the light most
22 favorable to the nonmoving party, there is no genuine dispute as to any material fact that
23 would preclude the entry of judgment as a matter of law. L.A. Printex Indus., Inc. v.
24 Aeropostale, Inc., 676 F.3d 841, 846 (9th Cir. 2012). The party seeking summary
25 dismissal of the case "bears the initial responsibility of informing the district court of the

1 basis for its motion,” Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986), and identifying
2 those portions of the materials in the record that show the absence of a genuine issue of
3 material fact, Fed. R. Civ. P. 56(c)(1). Once the moving party has satisfied its burden, it
4 is entitled to summary judgment if the non-moving party fails to identify specific factual
5 disputes that must be resolved at trial. Hexcel Corp. v. Ineos Polymers, Inc., 681 F.3d
6 1055, 1059 (9th Cir. 2012). The mere existence of a scintilla of evidence in support of
7 the non-moving party’s position will not preclude summary judgment, however, unless a
8 reasonable jury viewing the evidence in the light most favorable to the non-moving
9 party could return a verdict in its favor. United States v. Arango, 670 F.3d 988, 992 (9th
10 Cir. 2012).

11 Having reviewed the memoranda, declarations, and exhibits submitted by the
12 parties, the Court finds as follows:¹

13 **II. DISCUSSION**

14 **A. Background Facts**

15 Plaintiff first met Dr. Claudio Alperovich in March 2009, when he evaluated her
16 for possible gastric bypass surgery. Dkt. # 55-2 at 2. Dr. Alperovich performed the
17 surgery on Plaintiff on June 17, 2009, at St. Francis in Federal Way, Washington. Id. at
18 10-14. Although it is somewhat unclear who Dr. Alperovich’s employer was at the time
19 of Plaintiff’s surgery, it is undisputed that Dr. Alperovich had surgical privileges at St.
20 Francis. Shortly after surgery, Plaintiff was treated for an oral yeast infection and in
21 July 2009, she was admitted to St. Francis due to complaints regarding nausea,
22 vomiting, and dehydration. Id. at 18. An endoscopy revealed a hernia and
23 inflammation, neither one of which was believed to be causing her nausea and vomiting.
Id. at 21. There were no signs of leakage or obstruction related to her surgery. Id. CT

24 ¹The Court GRANTS Plaintiff’s unopposed motions for additional time to file over-
25 length surreply memoranda (Dkt. # 107, 119).

1 scans and blood tests were normal, but Plaintiff still complained that she was unable to
2 tolerate even water. Id. at 18.

3 Dr. Alperovich continued overseeing Plaintiff's post-operative care and recovery
4 until September 2009. Dkt. # 50-1 at 7; Dkt. # 55-2 at 23. Despite seeking additional
5 treatment from several other providers at other facilities, Plaintiff was still not satisfied
6 with the care she received. In winter of 2010, she sought an evaluation from Dr. Elliott
7 Goodman, a surgeon in New York. Dkt. # 1-1 at 14. Dr. Goodman performed
8 corrective surgery to address Plaintiff's ongoing pain, nausea and vomiting in February
9 2010. Dkt. # 1-1 at 3-5.

10 **B. Procedural History**

11 On June 15, 2012, Plaintiff sued Dr. Alperovich and St. Francis (collectively
12 "Defendants") and the other named defendants for negligence and medical malpractice
13 in King County Superior Court. Dkt. # 55-2 at 33-43. Plaintiff's claims against
14 Defendants were dismissed by the state court on November 9, 2012. Dkt. # 53-1 at 16-
15 18, 20-22.

16 Plaintiff filed this lawsuit the same day she filed her state court action. Dkt. # 1.
17 On February 21, 2013, all but two defendants filed dispositive motions in this case. Dkt.
18 # 50; Dkt. # 53, Dkt. # 54, Dkt. # 55, Dkt. # 59, Dkt. # 61. Recognizing that
19 "[r]esponding to six dispositive motions on the same day would be a daunting task for a
20 licensed attorney, much less a plaintiff appearing pro se," the Court granted Plaintiff's
21 request for additional time in which to respond to the motions and renoted defendants'
22 dispositive motions. Dkt. # 82.

23 One week after defendants filed their dispositive motions, Plaintiff sought leave
24 to file a third amended complaint. Dkt. # 62. In her third amended complaint, Plaintiff
25 asserts that defendants violated (1) Title II and Title III of the Americans with
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1 Disabilities Act (“ADA”); (2) Title II, Title VI, and Title XI of the Civil Rights Act; (3)
2 the Age Discrimination Act of 1975; (4) the Health Insurance Portability and
3 Accountability Act of 1996 (“HIPAA”); and (5) the Mental Health Bill of Rights, 42
4 U.S.C. § 9501. Id. at 3-4. Under the liberal pleading standard afforded pro se plaintiffs,
5 Haines v. Kerner, 404 U.S. 519, 520-21 (1972), Plaintiff’s third amended complaint also
6 appears to assert claims under 42 U.S.C. § 1983, 42 U.S.C. § 1985, as well as claims of
7 libel, slander, defamation, and health care fraud. Dkt. # 62. While Plaintiff’s third
8 amended complaint is not a model of clarity, Plaintiff appears to pursue her claims
9 against St. Francis based on theories of both direct liability and vicarious liability for Dr.
10 Alperovich’s alleged misconduct. See id. at 15. The Court granted Plaintiff’s motion to
11 amend in part, accepting Plaintiff’s third amended complaint as the operative pleading,
12 but dismissing the claims asserted under the Mental Health Bill of Rights. Dkt. # 92 at
13 2-3.

13 **C. Plaintiff’s Requests for Continuance**

14 As a preliminary matter, Plaintiff presents vague requests to deny Defendants’
15 summary judgment motions to allow her to conduct “discovery investigations” for trial.
16 See Dkt. # 113 at 3, 18; Dkt. # 97 at 10, 11, 15 . The Court interprets these references as
17 requests to continue summary judgment proceedings pursuant to Rule 56(d) of the
18 Federal Rules of Civil Procedure (“Rule 56(d)”).

19 Rule 56(d) allows a party opposing a motion for summary judgment to request a
20 continuance to conduct additional discovery to support the opposition. Fed. R. Civ. P.
21 56(d). However, “[a] party requesting a continuance pursuant to Rule 56(d) must
22 identify by affidavit the specific facts that further discovery would reveal, and explain
23 why those facts would preclude summary judgment.” Tatum v. City & Cnty. of San
24 Francisco, 441 F.3d 1090, 1100 (9th Cir. 2006). “The burden is on the party seeking
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1 additional discovery to proffer sufficient facts to show that the evidence sought exists
2 and that it would prevent summary judgment.” Nidds v. Schindler Elevator Corp., 113
3 F.3d 912, 921 (9th Cir. 1996) (internal citations omitted). Plaintiff has not met this
4 burden.

5 Plaintiff’s references to additional discovery shed no light on the nature of the
6 evidence sought, whether the evidence exists, or whether the evidence would be
7 sufficient to defeat summary judgment. For example, Plaintiff “requests the court to
8 allow her opportunity to investigate and join other parties to this suit, and effectively
9 amend her final complaint, after investigation and prior to trial.” Dkt. # 116 at 3. This
10 request, without more, fails to inform the Court of the specific information Plaintiff
11 seeks and whether additional discovery would prevent summary judgment. The Court
12 therefore DENIES Plaintiff’s requests to continue to allow her time to pursue additional
discovery.

13 **D. The Civil Rights Act**

14 **1. 42 U.S.C. § 1983**

15 To establish a §1983 claim Plaintiff must show (1) the deprivation of a right
16 protected by the Constitution or a federal statute, and (2) that the deprivation was
17 committed by a person acting under color of state law. Chudacoff v. Univ. Med. Ctr. of
18 S. Nev., 649 F.3d 1143, 1149 (9th Cir. 2011). Defendants contend that Plaintiff’s
19 claims under 42 U.S.C. § 1983 must be dismissed because she cannot establish the
20 requisite state action. Dkt. # 53 at 6-7; Dkt. # 55 at 5.

21 Plaintiff has not responded to Defendants’ arguments and the Court, having
22 conducted its own review, agrees with Defendants. It is undisputed that St. Francis is a
23 private hospital operated by Franciscan Health System, a private non-profit
24 organization, and there is no evidence in the record suggesting state action. Similarly,
25 Dr. Alperovich is a private medical care provider and there is nothing that suggests that

1 he or St. Francis is a state actor for purposes of § 1983. To the extent that Plaintiff
2 asserts claims under § 1983 against Defendants they fail as a matter of law.

3 **2. 42 U.S.C. § 1985**

4 Defendants also argue that the undisputed facts do not support a finding that they
5 were involved in a conspiracy to deprive Plaintiff of a federal right, and therefore they
6 are entitled to summary judgment on Plaintiff's § 1985 claims. Dkt. # 53 at 7; Dkt. # 55
7 at 6. To succeed on a claim under 42 U.S.C. § 1985(3), Plaintiff must prove (1)
8 conspiracy, (2) for the purpose of depriving her of the equal protection of the laws or
9 equal privileges and immunities under the laws, (3) an act in furtherance of the
10 conspiracy, and (4) an injury to her or her property or a deprivation of any right or
11 privilege of a citizen of the United States. Sever v. Alaska Pulp Corp., 978 F.2d 1529,
12 1536 (9th Cir. 1992).

13 Plaintiff argues generally that "codefendants were following Alperovich's
14 placation mental illness treatment plan."² Dkt. # 116 at 4. She asserts that "Alperovich
15 diagnosed Plaintiff's continued diagnoses of thrush then establish a Placation medical
16 treatment with his Codefendants Michael K. Hori, MD . . . and Trient Nguyen, MD."
17 Id. at 12-13. However, these conclusory accusations cannot take the place of evidence.
18 British Airways Bd. v. Boeing Co., 585 F.2d 946, 954-55 (9th Cir. 1978). Nothing in
19 the record suggests the existence of "an agreement or meeting of the minds" to violate
20 Plaintiff's constitutional rights. Ward v. E.E.O.C., 719 F.2d 311, 314 (9th Cir. 1983).
Furthermore, the record is completely devoid of any hint that Defendants' treatment, or

21 ² Plaintiff's allegations related to "placation mental illness treatment plan" and
22 "placation medical treatment" appear to be premised on Dr. Alperovich's record following
23 Plaintiff's admission to Valley Medical Center in August 2009. Dkt. # 3-1 at 11. Dr.
24 Alperovich's notes indicate that despite the lack of symptoms supporting the existence of
25 thrush, an esophageal yeast infection, Plaintiff remained convinced that she was suffering from
an infection. Id. Based on Plaintiff's apparent commitment to that diagnosis, Dr. Alperovich
decided to seek an infectious disease consultation "[i]n an effort to placate the patient. . . to see
if there is (sic) any further studies I can do to try and elucidate whether in fact she does have an
esophageal fungal infection or try and convince the patient otherwise." Id.

1 lack thereof as Plaintiff alleges, was motivated by racial or other class-based
2 discriminatory animus. Sever, 978 F.2d at 1536. Plaintiff's failure to point to any facts
3 probative of a conspiracy or discriminatory animus entitles Defendants to summary
4 judgment on this claim.³

5 **E. ADA**

6 Plaintiff alleges that Defendants denied her medical treatment and failed to
7 communicate with her about her medical care in violation of Titles II and III of the
8 ADA. Dkt. # 116 at 13; Dkt. # 97 at 12. Defendants argue that there is no evidence that
9 Plaintiff was denied medical treatment, access to medical facilities or an
10 accommodation, or that any alleged denial was based on a disability. Dkt. # 53 at 10;
11 Dkt. # 55 at 8.

12 Title II of the ADA prohibits discrimination in programs offered by a public
13 entity and discrimination by any such entity. 42 U.S.C. § 12132 ("no qualified
14 individual with a disability shall, by reason of such disability, be excluded from
15 participation in or be denied the benefits of the services, programs, or activities of a
16 public entity, or be subjected to discrimination by any such entity."). To succeed on a
17 claim under Title II, Plaintiff must demonstrate that (1) she is a qualified individual with
18 a disability, (2) she was excluded from participation in or denied the benefits of a public
19 entity's services, programs or activities, or was otherwise discriminated against by the
20 public entity, and (3) the exclusion, denial of benefits, or discrimination was by reason
21 of her disability. Weinrich v. L.A. Cnty. Metro. Transp. Auth., 114 F.3d 976, 978 (9th
22 Cir. 1997).

23 ³ Although Defendants moved for summary dismissal of all of Plaintiff's claims as they
24 were alleged in her second amended complaint, they have not sought dismissal of Plaintiff's
25 claims under 42 U.S.C. §§ 2000a, 2000d, or 2000h, which Plaintiff identified in the third
26 amended complaint filed after Defendants' motions for summary judgment. See Dkt. # 62 at 3.
Defendants may file motions seeking summary dismissal of these claims.

1 Similarly, Title III prohibits discrimination “on the basis of disability in the full
2 and equal enjoyment of the goods, services, facilities, privileges, advantages, or
3 accommodations of any place of public accommodation by any person who owns, leases
4 (or leases to), or operates a place of public accommodation.” 42 U.S.C. § 12182(a). To
5 establish a prima facie case of discrimination under Title III, Plaintiff must show (1) she
6 has a disability, (2) Defendants are private entities that own, lease, or operate a place of
7 public accommodation, and (3) she was denied public accommodations by Defendants
8 because of her disability. Molski v. M.J. Cable, Inc., 481 F.3d 724, 730 (9th Cir. 2007).

9 Assuming that Plaintiff is a qualified individual with a disability, Plaintiff has not
10 shown that she was denied the benefits of a public entity’s services (Title II) or public
11 accommodations by a private entity (Title III) by reason of her disability. Although
12 somewhat unclear, Plaintiff’s claims appear to be premised on Dr. Alperovich’s failure
13 to communicate properly with Plaintiff about her recovery and ongoing complaints of
14 nausea and vomiting, and his failure to treat the hernia revealed during a post-surgery
15 endoscopy. Dkt. # 97 at 12; Dkt. # 116 at 13. Plaintiff’s primary concern is that
16 Defendants did not provide adequate medical treatment following surgery.

17 To the extent Plaintiff’s claims are based on her belief that Dr. Alperovich and St.
18 Francis failed to provide effective treatment after her surgery, they fail as a matter of
19 law. Several courts have distinguished between ADA claims based on inadequate care
20 and claims based on discriminatory medical care. Burger v. Bloomberg, 418 F.3d 882,
21 883 (8th Cir. 2005) (“a lawsuit under the Rehab Act or the Americans with Disabilities
22 Act (ADA) cannot be based on medical treatment decisions.”); Fitzgerald v. Corrections
23 Corp. of America, 403 F.3d 1134 (10th Cir. 2005) (“These are the sort of purely medical
24 decisions that we have held do not ordinarily fall within the scope of the ADA or the
25 Rehabilitation Act.”); Bryant v. Madigan, 84 F.3d 246, 249 (7th Cir. 1996) (“The ADA
26 does not create a remedy for medical malpractice.”). Here, the essence of Plaintiff’s

1 claims is that Defendants were negligent because they ignored her test results and did
2 not perform the necessary corrective surgery. Dkt. # 116 at 13. Because these
3 allegations sound in medical malpractice rather than discrimination, the Court finds that
4 they fail as a matter of law.

5 With respect to Plaintiff's claims that Defendants failed to communicate with her
6 and did not provide an accommodation that would enable her to participate in her
7 treatment, the Court finds that Plaintiff has failed to create a genuine issue of material
8 fact precluding summary judgment. Even though Plaintiff contends that Dr. Alperovich
9 did not ensure that she understood her medical condition, dkt. # 116 at 13, and she
10 argues that St. Francis's policies, procedures, and practices, supported this alleged
11 discrimination based on her mental health, dkt. # 97 at 5, she fails to identify any
12 evidence supporting these allegations. Nothing in the record suggests that Dr.
13 Alperovich or any St. Francis employee failed to inform Plaintiff of her test results, or
14 that they did so because of her alleged mental disability. Absent evidence that
15 Defendants denied Plaintiff services or accommodations based on a disability, the Court
16 finds no genuine issue of material fact remaining for trial and GRANTS Defendants'

17 **F. Age Discrimination Act of 1975**

18 The Age Discrimination Act of 1975 provides that "no person in the United
19 States shall, on the basis of age, be excluded from participation in, be denied the benefits
20 of, or be subjected to discrimination under, any program or activity receiving Federal
21 financial assistance." 42 U.S.C. § 6102. The Act contains an administrative exhaustion
22 requirement. Id. § 6104(e)(2). To exhaust the administrative remedies, a claimant must
23 file a complaint with the United States Department of Education, Office for Civil Rights
24 ("OCR") within 180 days from the date she first becomes aware of the discrimination.
25 34 C.F.R. § 110.3; 34 C.F.R. § 110.31(a). If, 180 days after the claimant submitted her

1 complaint OCR has not yet made a finding or has issued a finding in favor the recipient
2 of funds, the claimant may file a complaint in federal court. 34 C.F.R. § 110.39(a).

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4 St. Francis argues that Plaintiff's claim must be dismissed because she has not
5 exhausted her administrative remedies. See Dkt. # 106 at 9.⁴ In response, Plaintiff
6 argues that she submitted a complaint to the U.S. Department of Health and Human
7 Services, Office for Civil Rights ("HHS") in April 2012. Dkt. # 97 at 13. Although she
8 concedes that she did not file her complaint within the mandatory 180 day period, she
9 argues that HHS told her she could still pursue her claim in court. Id. Regardless of
10 what HHS may or may not have told Plaintiff regarding her right to file a lawsuit, the
11 evidence submitted indicates that Plaintiff did not comply with the exhaustion
12 requirements of the Age Discrimination Act. Dkt. # 98-2 at 11, 13-14. Because there is
13 nothing in the record that suggests that Plaintiff has complied with the notice or
14 exhaustion requirements set forth in the statute and implementing regulations, her Age
15 Discrimination Act claim against St. Francis is dismissed with prejudice.

15 **G. HIPAA**

16 Defendants argue that Plaintiff's HIPAA claims must be dismissed because
17 HIPAA does not provide a cause of action for a private litigant. Dkt. # 53 at 12; Dkt. #
18 55 at 10. The Court agrees. Webb v. Smart Document Solutions, LLC, 499 F.3d 1078,

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20 ⁴Although the Court usually declines to consider arguments first raised in reply, because
21 Plaintiff added this claim after St. Francis filed its motion for summary judgment and Plaintiff
22 anticipated these arguments in her opposition, dkt. # 97 at 9, 13, and had an opportunity to
23 provide an additional response in her surreply, dkt. # 112, the Court finds St. Francis's
24 arguments for dismissal ripe for consideration.

25 Unlike St. Francis, Dr. Alperovich did not seek dismissal of Plaintiff's age
26 discrimination claim. See Dkt. # 118 at 2 (noting that Plaintiff's third amended complaint "did
not add any new claims other than the 'mental health bill of rights' claim which has already
been disposed of by this Court."). The Court therefore addresses only Plaintiff's age
discrimination claim against St. Francis in this Order. Dr. Alperovich may seek summary
dismissal of Plaintiff's age claim in the future.

1 1082 (9th Cir. 2007) (“HIPAA itself does not provide for a private right of action”)
2 (citing 65 Fed. Reg. 82601 (Dec. 28, 2000)). Because HIPAA provides no private right
3 of action, the Court GRANTS Defendants’ requests for summary dismissal of Plaintiff’s
4 HIPAA claims.⁵

5 **H. Health Care Fraud**

6 Defendants seek summary dismissal of Plaintiff’s claims under 18 U.S.C. § 1349
7 because that statute does not provide a private cause of action. Dkt. # 53 at 13-14; Dkt.
8 # 55 at 10-11. The federal health care fraud statute imposes criminal penalties on
9 persons who knowingly and willfully execute a scheme to defraud a health care benefit
10 program, 18 U.S.C. § 1347, and 18 U.S.C. § 1349 imposes the same penalties on
11 persons who attempt or conspire to commit health care fraud, *id.* § 1349. Because
12 neither 18 U.S.C. § 1347 nor 18 U.S.C. § 1349 provides a private right of action,
13 Plaintiff’s claims of health care fraud fail as a matter of law.

14 **I. Defamation, Libel and Slander**

15 In both her second amended complaint and her third amended complaint, Plaintiff
16 makes fleeting references to defamation, libel, and slander. Dkt. # 15 at 2, 4-5; Dkt. #
17 62 at 5. Defendants argue that the Court should decline to exercise supplemental
18 jurisdiction over these claims after dismissal of Plaintiff’s federal claims. *See* Dkt. # 53
19 at 14-15; Dkt. # 55 at 11-13.

20 In any civil action where a district court has original jurisdiction, the district court
21 has supplemental jurisdiction over all other claims that form part of the same case or
22 controversy. 28 U.S.C. § 1367(a). If the federal claims are dismissed before trial, the

23 ⁵Plaintiff’s arguments that she relies on HIPAA merely to establish the standard of care
24 for Defendants’ negligence, dkt. # 116 at 15; dkt. # 97 at 14, are not persuasive. Plaintiff has
25 not asserted any negligence claims in this action (nor is it likely that she could successfully
assert such claims because they would likely be barred by the doctrine of res judicata, which
precludes litigation in a subsequent action of any claims that were raised or could have been
raised in a prior action).

1 state law claims “should” be dismissed. United Mine Workers v. Gibbs, 383 U.S. 715,
2 726 (1966). The Supreme Court has stated that “in the usual case in which all federal-
3 law claims are eliminated before trial, the balance of factors . . . will point toward
4 declining to exercise jurisdiction over the remaining state-law claims.” Carnegie-
5 Mellon Univ. v. Cohill, 484 U.S. 343, 350 n.7 (1988).

6 As the Court noted earlier, Defendants have not yet sought dismissal of
7 Plaintiff’s claims under Titles II, VI, and XI of the Civil Rights Act. See Dkt. # 62; Dkt.
8 # 50. Similarly, Dr. Alperovich has not moved for summary judgment on Plaintiff’s
9 Age Discrimination Act claim. Because the Court has not dismissed all claims over
10 which it has original jurisdiction, the Court DENIES Defendants’ requests for summary
11 dismissal of Plaintiff’s state law claims.

12 **J. Vicarious Liability**

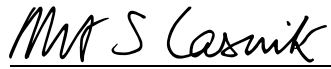
13 Finally, St. Francis requests that the Court, in the event that any of Plaintiff’s
14 claims survive summary judgment, enter an order limiting St. Francis’s potential
15 liability to that based on vicarious liability for her claims against Dr. Alperovich. Dkt. #
16 53 at 6. In light of the allegations in Plaintiff’s third amended complaint alleging claims
17 against St. Francis based on theories of direct and vicarious liability, dkt. # 62 at 15, and
18 St. Francis’s failure to address those allegations, the Court DENIES St. Francis’s request
19 at this time. As the Court has noted elsewhere in its Order, St. Francis may file another
20 motion seeking summary judgment on Plaintiff’s claims that were not asserted until
21 after it moved for summary judgment.

22 **III. CONCLUSION**

23 For all of the foregoing reasons, the Court GRANTS IN PART and DENIES IN
24 PART Defendants’ motions for summary judgment (Dkt. # 53, 55). Plaintiff’s claims
25 against St. Francis and Dr. Alperovich arising under 42 U.S.C. § 1983, 42 U.S.C. §
26 1985, the ADA, HIPAA, and 18 U.S.C. §§ 1347, 1349 are dismissed with prejudice.

1 Plaintiff's claim against St. Francis under the Age Discrimination Act of 1975 is
2 dismissed with prejudice, but her age discrimination claim against Dr. Alperovich
3 remains. Plaintiff's libel, slander, and defamation claims against Defendants remain, as
4 do her claims arising under Titles II, VI, and XI of the Civil Rights Act.

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6 DATED this 21st day of January, 2014.

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9 Robert S. Lasnik
10 United States District Judge
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